

SENATE BILL No. 189

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-15.

Synopsis: Copying public records onto compact disc. Allows a political subdivision to destroy the original of a public record, if the public record has been copied onto a compact disc that is not rewritable.

Effective: July 1, 2007.

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January 11, 2007, read first time and referred to Committee on Local Government and Elections.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 189

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-15-6-8 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2007]: Sec. 8. **(a)** A public official or other
3 person who recklessly, knowingly, or intentionally destroys or damages
4 any public record commits a Class D felony unless:

5 (1) the commission shall have given its approval in writing that
6 the public records may be destroyed;

7 (2) the commission shall have entered its approval for destruction
8 of the public records on its own minutes; or

9 (3) authority for destruction of the records is granted by an
10 approved retention schedule established under this chapter.

11 **(b) A public official or other person who:**

12 **(1) obtains approval to destroy a public record in accordance**
13 **with subsection (a)(1), (a)(2), or (a)(3); and**

14 **(2) records, copies, or reproduces the public record in**
15 **accordance with IC 5-15-6.1;**

16 **does not violate subsection (a).**

17 SECTION 2. IC 5-15-6.1 IS ADDED TO THE INDIANA CODE



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1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2007]:

3 **Chapter 6.1 Destruction of Public Records Copied Onto**
4 **Compact Disc**

5 **Sec. 1. This chapter applies only to a political subdivision (as**
6 **defined in IC 36-1-2-13).**

7 **Sec. 2. As used in this chapter, "compact disc" refers to a**
8 **compact disc that is not rewritable.**

9 **Sec. 3. Except as provided in section 4 of this chapter, an**
10 **original record that is recorded, copied, or reproduced onto a**
11 **compact disc may be disposed of, destroyed, or transferred subject**
12 **to any approval required under:**

13 **(1) IC 5-15-1;**

14 **(2) IC 5-15-5.1;**

15 **(3) IC 5-15-6; or**

16 **(4) any rule or policy adopted under the authority of**
17 **subdivisions (1) through (3).**

18 **Sec. 4. Any approval for destroying or disposing of a record that**
19 **is required under section 3(1) through 3(4) may not be withheld**
20 **solely because the original record has been recorded, copied, or**
21 **reproduced onto a compact disc.**

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